

# DU BOIS MUST GO TO TRIAL BUT MAY INSPECT MINUTES

Police Captain Accused of Accepting Fees Loses Plea to Quash.

## PIER PROFITS BARED

Contractor's Books Show Where City Got Short End of Many Bargains.

## GETS STOLEN BOND LIST

Chilvers Digs Further Into Police Rewards for Recovery of Securities.

A motion to dismiss the indictment charging Police Capt. Percy M. Du Bois with taking unlawful fees was denied by Judge Crain, in General Sessions, yesterday, following a successful effort on the part of Terence J. McManus, Capt. Du Bois's counsel, to obtain an inspection of the Grand Jury minutes.

Whether attorneys for Marty Owens and Thomas J. Horan, detectives sergeants attached to the automobile squad, who are under indictment for receiving unlawful fees, may inspect the Grand Jury minutes in their cases depends entirely upon former Gov. Whitman, the special prosecuting officer investigating all alleged official misconduct hereabouts, according to another decision rendered yesterday by Judge Crain.

"The indicted persons hold public place and are charged with criminality in official station," Judge Crain said. "A public interest is therefore involved in the early disposition of their cases. The defendants, moreover, are entitled, both in morals and under the rules of this court and the Constitution, to a speedy trial. These motions are therefore granted unless the District Attorney stipulates in writing in each case on or before March 10 that he will not directly or indirectly oppose the trial of these actions, beginning with the one in which the indictment was first found and taking them up in chronological order, not later than the first Monday of the April term."

Judge Crain said he would demand that the stipulations be broad enough to protect the defendants against motion or other steps to cause postponement.

"The decision by Judge Crain speaks for itself and I have no further comment to make," Gov. Whitman said. "We will go to trial with the cases just as soon as we can. There will be no unnecessary delay."

The contention on which Mr. McManus relied in asking for an inspection of the minutes in the Du Bois case was that the witness testifying before the Grand Jury to the payment of money must be regarded as an accomplice, and therefore his testimony must be corroborated before an indictment can lawfully be returned.

William Chilvers, one of Gov. Whitman's assistants, was in conference with three members of a widely known firm of contractors who have had much to do with the leasing of city piers, when Mr. Chilvers said they brought the books of the firm with them to the Criminal Courts Building, and Mr. Chilvers said he obtained a list of piers they had leased from the city and then subleased with big profit.

A number of cases were disclosed, it was said by Mr. Chilvers, where the firm obtained \$250 a day for piers, they leased from the city for \$100 a day. They paid \$21.56 a day for one side of a small city pier and subleased it for \$150 a day, according to Mr. Chilvers. Other specific cases cited by him were of a pier subleased by the firm for \$75 a day, for which they paid the city \$9.75 a day; another leased for \$17.75 and subleased by the contractors for \$90. In one instance Mr. Chilvers said the records showed the firm paid the city \$8 a day for 100 square feet of pier space which they rented to an outsider at the rate of \$35 daily.

The records of the firm seemed to disclose, so Mr. Chilvers said, that it controlled the pier leases both on the Brooklyn and Manhattan water fronts.

Mr. Chilvers obtained from the property clerk of the Police Department a list of bonds stolen here during the last year which totaled between \$600,000 and \$1,000,000. He secured the names of the bond houses from which the thefts were made and a list of the police officers to whom rewards were paid for the recovery of the stolen securities. Twenty Stock Exchange houses are included in those which have suffered losses.

A prisoner in the Tombs recently sentenced to Sing Sing asked Mr. Chilvers that he might be held here for ten days in order that he might give up details of robberies in railroad yards in which he said the police and railroad detectives figured. Goods valued at \$100,000 are involved in one of these robberies, it was said by Mr. Chilvers.

# STRANDED FASHION MODELS WANT SOMEBODY ARRESTED

Girls Who Received Only \$1.70 for Parading a Week in Pennsylvania Hotel Show Get District Attorney's Promise to Prosecute if Charges Are Substantiated.

Two indignant young women of the two score who were the latest creations in the recent Revue de Fashion at the Pennsylvania Hotel and collected only \$1.70 each for their week's services carried their troubles to Assistant District Attorney James E. Smith yesterday. Later in the day, when they had mobilized a few more of the unpaid and wrathful mannikins, they filed formal complaints with Dorothy Bryant, secretary of the Chorus Association of the Actors Equity Association.

In the complaints, now in the hands of Miss Bryant and signed by Elaine Macintosh, Roberta Lee, Shirley Braun, Peggy Garver, Alice Lahn, Dorothy Conner and Caroline Irwin, the names of at least half a dozen men connected with the show are mentioned. Most of them are known to the association. Miss Bryant said that the Equity already had put a representative on the case. As the hotel merely rented the ballroom and dressing rooms to the organizers of the revue, however, and as the girls had no contracts with the organizers, she feels that their best ally now is the District Attorney.

Assistant District Attorney Smith listened to the statement of Miss Macintosh, who is spokesman for the much perturbed group of artists' models, mannikins and chorus girls, and afterward he announced that their case would be investigated, and if the girls' charges are substantiated action would be taken. He said the girls told him they were to have received \$60 each for their week's parading and promenading; that all they got was \$1.70 the last night of the revue, but that Frank L. Talbot, who was with the girls in the Assistant District Attorney's office, had passed round a few greenbacks outside the assistant's office, thereby reducing somewhat the outstanding indebtedness of the show's sponsors.

"I live at home and I know where my next meal is coming from," said one of the indignant group when talking things over at the Equity rooms, "but some of those girls hadn't a cent that night the show closed. You remember the girl who wore the bathing suit? She had nothing. A lot of them were hungry, too. They had no place to sleep until one of the men, who had nothing to do with the management of the show, paid for some rooms at a hotel and sent the girls there, and Mack gave a dollar each to twenty of them. That's all they got."

"I have eight cents in my pocket," waited Miss Macintosh. "But some of you had to buy silk stockings, didn't you?" she asked.

"Shoes and stockings," emphasized the other girl. "I'm out that much besides my whole week's salary."

Broke in Miss Macintosh: "And look at the cold I've got in my head from selling tickets downtown that rainy day. Forty dollars was what we turned over to them, and where do you think that money is now? Did we get any of it? Not a cent!"

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# TELLS OF ATTACK BY 3 TIPSY COPS

J. Henry Smythe Says They Picked on Him After Restaurant Battle.

## ONE FELL IN THE STREET

Publisher Passes Day Seeking to Identify Men in Underhill's District.

Thomas Underhill, Police Inspector for the Fourth Inspection District, began last night an investigation on complaint of J. Henry Smythe, publisher and prominent member of the National Republican Club, that he was assaulted by one of three unidentified drunken policemen in uniform at Forty-second street and Third avenue early yesterday morning. Mr. Smythe spent most of yesterday afternoon and part of last night at precinct stations in that vicinity in an effort to identify his assailant and the assailant's companions as patrolmen reported on and off duty, but without success.

The experience of Mr. Smythe, according to a waiter in the Blue Point Oyster and Chop House, at 161 East Forty-second street near Third avenue, was preceded by an altercation between one of the Blue Point waiters and the restaurant in the course of which one of the policemen is said to have thrown a plate of potatoes at one of the waiters. Another, it was stated, dropped his revolver on the floor, but no one seemed to be sure whether the weapon accidentally fell from his pocket or was drawn.

Mr. Smythe said he was going to the National Republican Club, where he lives, about 1:30 in the morning when he saw the three policemen stagger out of the Blue Point restaurant and cross Forty-second street followed by a crowd. He joined the crowd, and when the policemen got on the southern curb one of them picked him up.

"Who are you? An inspector?" Smythe said the policeman asked, and when he replied to the contrary, the cop added: "Well then, damn you, beat it."

Smythe said he informed the policeman he was a respectable citizen and entitled to ordinary civility, whereupon the policeman grabbed him and drew back for a blow. Fearing his assailant would smash his eyes, Mr. Smythe said he cried out:

"Look out, don't hit my glasses!"

"That seemed to react on him for a moment, and I broke away," Mr. Smythe continued. "I ran to the Hotel Commodore and Police Headquarters, and then went back to where I left the policeman. One of them had vanished, but I found a second and the third trying to get him up. They got away in a taxicab before I could get their numbers."

## MASS MEETING DENOUNCED.

Gymnastic Union—Disapproves of Von Mach's Efforts.

INDIANAPOLIS, March 7.—Disapproval of the mass meeting held in New York February 23 under the leadership of Edmund Von Mach and George S. Viereck to protest against the use of French Colonial troops along the Rhine is expressed in resolutions adopted by the American Gymnastic Union and made known today.

The union has a large German membership with 200 branches in the United States.

# 3 NOTED TRIALS ARE AGAIN POSTPONED

Porter Neglect Case Is Set for March 14. Following Eleven Delays.

## M'GRAW TRIAL APRIL 4

Arnstein Must Face Jury by July 1 or Go Free, Rosalsky Says.

The following dispositions were made yesterday of three cases which have been much in the public eye the last several months:

In General Sessions, the trial of Augustus Drum Porter, formerly a Deputy Police Commissioner, was postponed until March 14. This is the twelfth postponement in this case since a jury disagreed at the trial of the indictment in April, 1920.

In the United States District Court the trial of John J. McGraw, manager of the New York Giants, on charges growing out of a fight in the Lamb's Club on August 8, 1920, was postponed until April 4. This is the fifth time this case has been postponed.

In General Sessions the trial of Jules W. (Nicky) Arnstein was again postponed, and Judge Rosalsky told the District Attorney he would dismiss the indictment if the case was not tried before July 1.

The trial of Mr. Porter, who was indicted for neglect of duty more than a year ago, was set for March 14 by Judge Rosalsky, who told attorneys for both sides that he would tolerate no further delay. A motion for an inspection of the minutes of the Grand Jury which indicted Mr. Porter was also down for argument before Judge Koenig, but this was also postponed indefinitely.

Porter is accused of having failed to instruct detectives to arrest a woman alleged to have been the owner of a disorderly house in which it is charged the detectives found him in November, 1919.

The trial of Nicky Arnstein was postponed at the request of John T. Doelling, Assistant District Attorney, who said he wanted to give the Government authorities an opportunity to try the prisoner first. Arnstein was already faced a Federal jury in Washington, where a disagreement resulted. He has been at liberty since under \$100,000 bail.

William J. Fallon, attorney for Arnstein, opposed a continuance of the case and declared the District Attorney never intended to try his client. Arnstein was indicted in connection with the \$5,000,000 bond thefts last year.

The trial of McGraw was postponed at the request of his attorney, Henry Gimnane, after Edward H. Reynolds, Assistant United States Attorney, had announced he was ready to begin the trial. The Federal indictment against the baseball manager charges him with possessing a bottle of whiskey in violation of the Volstead act.

## MOVIE MAN HELD FOR TRIAL.

Max Schwartz, 29, of 457 East 186th street, one of the proprietors of the Catharine street motion picture theatre where six children lost their lives last November in a stampede caused by a smoky furnace, was held in \$3000 bail yesterday in Tombs court for trial in Special Sessions on a charge that he permitted a minor to enter the theatre unaccompanied by a guardian. William J. Kelleher, an agent of the Society for the Prevention of Cruelty to Children, preferred the complaint.

He alleged that Schwartz let Joseph Costee, 13 years old, of 11 Hamilton street, enter the theatre unaccompanied the night of the stampede. Bernard Weinberg, partner of Schwartz, was sent to the workhouse for sixty days on a similar charge last month.



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